

RULEMAKING FILE APPROVAL REVIEW CHECK LIST

(Regular or Emergency Submittal)

Reviewed by: _____ Date: _____

Project Number: _____

| SUBMITTAL REQUIREMENTS | | Submitted | | Correct | | COMMENTS/NOTES |
|--|--|--------------------------|--------------------------|--------------------------|--------------------------|----------------|
| | | YES | NO | YES | NO | |
| RULEMAKING FILE APPROVAL SUBMITTAL PACKAGE | | | | | | |
| | One (1) Face Sheet | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | |
| | Written Delegation Order, if the person whose signature appears on the BSC Face Sheet is other than the person statutorily authorized to sign. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | |
| | One (1) Certification of Compliance (Emergency Submittals ONLY – Post Hearing) (G.C. 11346.1(e)) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | |
| | One(1) Complete Rulemaking File (G.C. 11347.3) | <input type="checkbox"/> | <input type="checkbox"/> | | | |
| 1 | Indexed or Table of Contents that identifies each item contained (G.C. 11347.3(b)(12)) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | |
| | <ul style="list-style-type: none"> An affidavit or a declaration under penalty of perjury in the form specified by Section 2015.5 of the Code of Civil Procedures by the agency official who has compiled the rulemaking file, specifying the date on which the record was closed, and the file or the copy, if submitted, is complete. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | |
| 2 | Copies of any petitions from interested persons and copies of any decisions related to proposed action (G.C. 11347.3(b)(1)) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | |
| 3 | (G.C. 11347.3(b)(2)) | <input type="checkbox"/> | <input type="checkbox"/> | | | |
| | <ul style="list-style-type: none"> Published notice(s) of proposed action | <input type="checkbox"/> | <input type="checkbox"/> | | | |
| | <ul style="list-style-type: none"> Updated Informative Digest | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | |
| | <ul style="list-style-type: none"> Initial Statement of Reasons | <input type="checkbox"/> | <input type="checkbox"/> | | | |
| | <ul style="list-style-type: none"> Final Statement of Reasons | <input type="checkbox"/> | <input type="checkbox"/> | | | |
| 4 | A determination, together with supporting data, as to whether the regulations impose a mandate on local agencies or school districts, and if so, whether the mandate requires state reimbursement pursuant to Part 7 (commencing with Section 17500) of Division 4. (G.C. 11347.3(b)(3)) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | |
| 5 | A determination, together with supporting data, that the proposed action will not have a | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | |

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| | | YES | NO | YES | NO | |
| | significant adverse impact on business, including the ability of California businesses to compete with businesses in other states (G.C. 11347.3(b)(4)) | | | | | |
| 6 | An Estimate, together with supporting data and calculations, required by G.C. 11346.5(a)(6). (G.C. 11347.3(b)(5)) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | |
| | <ul style="list-style-type: none"> An estimate, prepared in accordance with instructions adopted by the Department of Finance, of the cost or savings to any state agency, the cost to any local agency or school district that is required to be reimbursed under Part 7 (commencing with Section 17500) of Division 4, other non-discretionary cost or savings imposed on local agencies, and the cost or savings in federal funding to the state. (G.C. 11346.5(a)(6)) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | |
| | <ul style="list-style-type: none"> Statements of cost or savings | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | |
| | <ul style="list-style-type: none"> Estimate of cost or savings | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | |
| | <ul style="list-style-type: none"> Signatures of promulgating state agency, agency (if required), and Department of Finance (if required) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | |
| 7 | All data and other factual information, any studies or reports, and written comments submitted to the agency (G.C. 11347.3(b)(6)) | | | | | |
| 8 | All data and other factual information, technical, theoretical, and empirical studies or reports, if any, on which the agencies is relying including any cost impact required by G.C. 11346.3. (G.C. 11347.3(b)(7)) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | |
| 9 | A transcript, recording, or minutes of any public hearing (G.C. 11347.3(b)(8)) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | |
| 10 | The date on which the agency made available the full text of the proposed regulations to the public for 15 days prior to the adoption amendment or repeal of the regulations if required to do so by subsection (c) of G.C. Section 11346.8. (G.C. 11347.3(b)(9)) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | |
| 11 | The text of the regulation as originally proposed and the modified text of the regulation, if any, that were made available to public (G.C. 11347.3(b)(10)) | <input type="checkbox"/> | <input type="checkbox"/> | | | |
| 12 | Any other information, statement, report, or data that the agency is required by law to consider or prepare (G.C. 11347.3(b)(11)) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | |
| 13 | Statement of documents added to rulemaking file – Statement confirming that the state agency complied with requirements of G.C. 11347.1 & stating the date on which the notice | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | |

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| | | YES | NO | YES | NO | |
| | was mailed. (G.C. 11347.1(e)) OR If there are no persons in categories listed in G.C. 11347.1(b), the rulemaking file shall contain a confirming statement to the effect. (G.C. 11347.1(f)) | | | | | |
| | Thirty-five (35) copies of Final Express Terms | <input type="checkbox"/> | <input type="checkbox"/> | | | |
| | The agency shall draft the regulations in plain English | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | |
| | Notation following the express terms of each regulation listing the specific statutes authorizing the adoption and listing specific statutes being implemented, interpreted, or made specific. (PART 1 – ADMINISTRATIVE CODE) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | |
| | Underline to indicate additions, strikeout to indicate deletions, italics to indicate California regulations, and normal type to indicate Model Code. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | |
| | Thirty-five (35) copies of Final Statement of Reason | <input type="checkbox"/> | <input type="checkbox"/> | | | |
| | Update to information in the initial statement of reasons (G.C. 11346.9) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | |
| 1 | <ul style="list-style-type: none"> Any data or any technical, theoretical or empirical study, report or similar document on which the agency is relying in proposing that was not identified or made available for public review prior to the close of the comment period | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | |
| 2 | <ul style="list-style-type: none"> A determination as to whether proposed regulation imposes a mandate on local agencies or school districts. If the determination is that the proposed regulation would impose a local mandate, the agency shall state whether the mandate is reimbursable pursuant to Part 7 of Division 4. If the agency finds that the mandate is not reimbursable, it shall state the reasons for the findings | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | |
| 3 | <ul style="list-style-type: none"> A summary of each objection or recommendation made together with an explanation of how the proposed action has been changed to accommodate each objection or recommendation, or the reasons for making no change | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | |
| 4 | <ul style="list-style-type: none"> A determination with supporting information that no alternative considered by the agency would be more effective in carrying out the purpose for which the | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | |

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| | | YES | NO | YES | NO | |
| | regulation is proposed or would be as effective or less burdensome to affected private persons than the adopted regulations. | | | | | |
| 5 | <ul style="list-style-type: none"> An explanation setting forth the reasons for rejecting any proposed alternatives that would lessen the adverse economic impact on small businesses. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | |
| 6 | <ul style="list-style-type: none"> Separately identify comments made by the Office of Small Business Advocate and the Trade and Commerce Agency pursuant to subdivision (e) of section 15363.6 and respond to each and every comment made by that office or agency directly at the proposed action or at the procedures followed by the agency in proposing or adopting the action, including providing a basis for why those comments were rejected. | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | |
| | Thirty-five (35) copies of the "Nine Point Criteria" analysis (Health and Safety Code 18930(a)) | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | |
| | Criteria 1—Conflict, overlap or duplication | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | |
| | Criteria 2—Established by enabling legislation | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | |
| | Criteria 3—Public interest | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | |
| | Criteria 4—Not unreasonable, arbitrary, unfair, capricious | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | |
| | Criteria 5—Cost to the public reasonable based on the overall benefit to be derived | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | |
| | Criteria 6—Not unnecessarily ambiguous or vague | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | |
| | Criteria 7—National specification, published standard or model code incorporated | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | |
| | <ul style="list-style-type: none"> A statement defining the inadequacy of a national specification, published standard, and model code | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | |
| | <ul style="list-style-type: none"> A statement informing the Commission of no national specification, published standard, and model code | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | |
| | Criteria 8—Format consistent with that of the Commission | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | |
| | Criteria 9-- | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | |
| | <ul style="list-style-type: none"> Written approval of the Office of the State Fire Marshal, if it promotes fire and panic safety as determined by the Office of the State Fire Marshal | | | | | |
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